

Heather J. Van Meter, OSB No. 983625
heather.vanmeter@millernash.com
MILLER NASH LLP
500 Broadway Street, Suite 400
Vancouver, WA 98660
Telephone: 360.619.7038
Facsimile: 360.694.6413

Attorneys for Defendant
The Port of Brookings-Harbor

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
MEDFORD DIVISION

ANTHONY HUBBARD,

Plaintiff,

Case No.

v.

DEFENDANT’S NOTICE OF REMOVAL

THE PORT OF BROOKINGS-HARBOR, 28 U.S.C. §§ 1331, 1441, and 1446

Defendant.

TO: CLERK OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
OREGON, MEDFORD DIVISION, AND TO PLAINTIFF ANTHONY HUBBARD
AND THEIR ATTORNEY OF RECORD

PLEASE TAKE NOTICE THAT Defendant The Port of Brookings-Harbor (“the
Port” or “Defendant”), hereby removes this civil action now pending in Curry County Circuit

Court entitled *Anthony Hubbard v. The Port of Brookings-Harbor*, Case No. 23CV52269 (hereafter the “Action”), to the United States District Court for the District of Oregon, Medford Division pursuant to 28 U.S.C. §§ 1331, 1441(a), and 1446, asserting original jurisdiction, codified in relevant part at 28 U.S.C. § 1331, and states that removal is proper for the following reasons: federal question jurisdiction based on plaintiff’s Complaint including only claims under the Americans with Disabilities Act, as amended, 42 U.S.C. sec. 12010 et seq. (Plaintiff’s Complaint, para. 1).

PROCEDURAL BACKGROUND IN STATE COURT

1. On or about December 21, 2023, Plaintiff filed the Action captioned *Anthony Hubbard v. The Port of Brookings-Harbor* (Case No. 23CV52269) in the Circuit Court of the State of Oregon for the County of Curry. *Declaration of Heather Van Meter in Support of Defendant’s Notice of Removal* (“Van Meter Decl.”) at ¶ 2.

2. The Port was served with a copy of the Summons and Complaint on or about January 17, 2024. These documents constitute all of the pleadings served on Defendant and/or filed in Curry County Circuit Court by Plaintiff prior to the filing of this Notice of Removal. Van Meter Decl. at ¶ 3.

3. No further proceedings have taken place in the Lawsuit. Van Meter Decl. at ¶ 4.

4. Copies of all pleadings, process, and orders served on Defendant are attached as Exhibit 1 to the *Declaration of Heather Van Meter in Support of Defendant’s Notice of Removal*.

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TIMELINESS OF REMOVAL

5. This Notice of Removal is timely in that it is filed within thirty (30) days after the Port was served with a copy of the initial pleading setting forth the claims for relief upon which this action is based.

FEDERAL JURISDICTION

6. Any civil action filed in a state court over which the federal district courts would have original jurisdiction may be removed. 28 U.S.C. § 1441(a). As set forth more fully below, this action is removable because this Court has original jurisdiction under 28 U.S.C. § 1331, because the matter arises solely under the laws of the United States.

7. To remove a case from state court to federal court, a defendant must file a notice of removal containing a short and plain statement of the grounds for removal, which is contained herein. 28 U.S.C. § 1446(a).

8. Plaintiff's complaint asserts claims under the Americans with Disabilities Act, as amended, 42 U.S.C. sec. 12010 et seq. (Plaintiff's Complaint, para. 1).

9. Therefore, this Court has original jurisdiction under 28 U.S.C. § 1331 and 28 U.S.C. § 1441, and this action is removable under 28 U.S.C. § 1441 *et seq.*

CONCLUSION

10. This case is properly removed to this Court under 28 U.S.C. § 1331 and 1441 because there is original federal question jurisdiction.

11. The United States District Court for the District of Oregon, Medford Division is the district and division embracing the place where the state court action was pending (*i.e.*, the Circuit Court of the State of Oregon for Curry County).

12. In accordance with 28 U.S.C. § 1446(d), promptly after filing this Notice of Removal, the Port will: (a) give written notice to Plaintiff; and (b) file a copy of the Notice of Removal with the Clerk of the Circuit Court of the State of Oregon for Curry County. A copy of the Notice to Plaintiff is attached hereto as **Exhibit A**.

WHEREFORE, Defendant gives notice that this action is hereby removed from the Circuit Court of the State of Oregon for Curry County to the United States District Court for the District of Oregon, Medford Division.

DATED this 15th day of February, 2024.

MILLER NASH LLP

s/Heather Van Meter

Heather J. Van Meter, OSB No. 983625

heather.vanmeter@millernash.com

Attorneys for Defendant Port of Brookings-Harbor

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Attorneys for Defendant
The Port of Brookings-Harbor

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
MEDFORD DIVISION

ANTHONY HUBBARD,

Plaintiff,

Case No.

v.

**NOTICE TO PLAINTIFF OF NOTICE OF
REMOVAL**

THE PORT OF BROOKINGS-HARBOR,

Defendant.

Pursuant to Title 28 U.S.C. § 1446, you are hereby notified that a Notice of Removal, a copy of which is attached hereto as **Exhibit A**, was filed by Defendant Port of Brookings-Harbor in the United States District Court for the District of Oregon, Portland Division, on February 15, 2024.

A copy of said Notice of Removal was filed with the Circuit Court for the County of Curry, Oregon, in the action pending therein entitled *Anthony Hubbard v. The Port of Brookings-Harbor*, Case No. 23CV52269.

DATED this 15th day of February, 2024.

MILLER NASH LLP

s/Heather Van Meter

Heather J. Van Meter, OSB No. 983625
heather.vanmeter@millernash.com

Attorneys for Defendant Port of Brookings-Harbor

I hereby certify that I served the foregoing **NOTICE TO PLAINTIFF OF
NOTICE OF REMOVAL** on:

Nathan L. Garcia
Attorney at Law PC
PO Box 2724
Brookings, OR 97415

by the following indicated method or methods on the date set forth below:

- ☒ **CM/ECF system transmission.**
- ☐ **E-mail.** As required by Local Rule 5.2, any interrogatories, requests for production, or requests for admission were e-mailed in Word or WordPerfect format, not in PDF, unless otherwise agreed to by the parties.
- ☐ **Facsimile communication device.**
- ☒ **First-class mail, postage prepaid.**
- ☐ **Hand-delivery.**
- ☐ **Overnight courier, delivery prepaid.**

DATED this 15th day of February, 2024.

s/Heather Van Meter

Heather J. Van Meter, OSB No. 983625
Of Attorneys for Defendant
The Port of Brookings-Harbor

I hereby certify that I served the foregoing **DEFENDANT'S NOTICE OF REMOVAL** on:

Nathan L. Garcia
Attorney at Law PC
PO Box 2724
Brookings, OR 97415

by the following indicated method or methods on the date set forth below:

- ☒ **CM/ECF system transmission.**
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DATED this 15th day of February, 2024.

s/Heather Van Meter
Heather J. Van Meter, OSB No. 983625
Of Attorneys for Defendant
The Port of Brookings-Harbor